

**REMARKS**

Claims 1, 2, 5, 9, 10, and 14-17 are pending of which claims 1 and 14-17 are independent. In this Amendment, claims 1, 16 and 17 have been amended to clarify an aspect of the invention. Support is found in, for example, paragraphs [0136]-[0143] of the application-as-published. Care has been exercised not to introduce new matter.

**Rejections of Claims Under 35 U.S.C. § 103**

Claims 1, 2, 5, 9, 10, and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (U.S. Patent No. 5,629,980, hereinafter “Stefik”) in view of Nagai et al. (U.S. Patent No. 6,754,442, hereinafter “Nagai”). The rejection is respectfully traversed.

Amended claim 1, in pertinent part, recites “the output time management apparatus acquires some information as an output time management program and the object data from a removable storage medium which information has been stored in, and has said controller execute the output time management program and the output of said object data on the basis of the comparison results by said comparator.” As illustrated in FIG. 21, one example of what are claimed in claims 1, 16 and 17, the removable storage medium 417 stores the object data A and management information therein. The management means 204 takes out the management information and the object data A stored in the removable storage medium. (See paragraphs [0136]-[0138] and [0143] of the application-as-published).

The proposed combination of Stefik and Nagai fails to disclose the limitations of claim 1.

While the Examiner admitted Stefik fails to disclose the limitations of claim 1, the Examiner referred to Nagai as disclosing the limitations of claim 1. Nagai’s recording/reproduction apparatus does not receive a time management program from the allegedly external recording medium, which controls time management of recording and

reproducing. The recording/reproduction apparatus, by itself, controls the time management of recording and reproducing. The switching signal generating circuit 425 generates a switching signal with the period  $t$  divided into a recording period  $t_r$  and a reproduction period  $t_p$ . In accordance with the switching signal, a recording processing unit 419 is validated for recording during the time  $t_r$ , and a reproducing system unit 408 is activated and the laser 402 is switched to reproduction mode during the time  $t_p$ . (See column 7, lines 18-39) In contrast, claims 1, 16 and 17 require “the output time management apparatus” to “acquire(s) some information as an output time management program and the object data from a removable storage medium which information has been stored in, and has said controller execute the output time management program.”

In addition, claim 1, in pertinent part, recites “a comparator for comparing a predetermined upper limit time for which the output of said object data is permitted and said accumulation time measured by said time counter,” and “the output of said object data on the basis of the comparison results by said comparator.” As illustrated in FIG. 21, one example of what is claimed in claim 1, the accumulation time is a critical parameter to determine output of the object data. The comparator compares the upper time limit and the accumulation time and controller 205 monitors whether the accumulation time measured by time counter 208 reaches the upper limit time. If the accumulation time reaches the upper limit time, controller 205 forcibly suspends the display of the object data A on CRT 207. (See paragraph [0139] of the application as-published).

The proposed combination of Stefik and Nagai fails to disclose the limitations of claim 1.

While Stefik requires time conditions for the exercise of a right to use digital works, the time conditions are not specifically defined, but described as a fixed and predetermined duration.

(See column 21, lines 46-61) In addition, Nagai's criteria for controlling output of data(reproducing) is shortage of recording buffer area. Nagai's read byte counter counts the number of bytes read by the buffer RAM read control circuit 416 starting from the head timing of the period. Each time the count reaches the number of bytes written into the buffer RAM through the buffer RAM write control circuit during the time t, the read end pulse 502, which stops the reproducing operation, is generated. (See column 2, lines 14-26 and column 7, lines 53-67 and ) In contrast, claim 1 requires the "accumulation time measured by said time counter" to be compared with the "predetermined upper limit time for which the output of said object data is permitted and said accumulation time measured by said time counter," and "the output of said object data" to be controlled "on the basis of the comparison results by said comparator."

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the proposed combination of Stefik and Nagai fails to do so, it is respectfully submitted that claim 1 and claims dependent thereupon are patentable over the combination of Stefik and Nagai.

Claims 16 and 17 including substantially the same limitations as claim 1 are patentable for the same reasons as claim 1.

**Conclusion**

Upon entry of the above claim amendments, claims 1, 2, 5, 9, 10, and 14-17 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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